

with manual rotation of said body and simultaneous allied pressure, said medicament may be dispensed over a continuous arcuate path. As to claim 2, Examiner notes that this is a product by process claim which has been given little patentable weight because patentability does not rely upon the method of making. With respect to claim 4, Examiner states that the device of Throop is fully capable of forming Applicant's method steps.

In the light of Examiner's position, claims 1 and 2 have been canceled to be replaced by claims 5 and 6, in which it is noted that the device is for a single use, and the selective sealing is accomplished by a frangible terminal which may be torn or cut. Claim 6 recites that the device is made as a blow mold using synthetic resinous materials.

Throop discloses a syringe having a separate pressure-creating bulb which is connected to a refillable body with suitable valving, the body having a sealable tube which is slightly curved and has a replaceable seal at an outer end. Thus, the device requires two hands for operation, one to squeeze the bulb, and the other to hold the body. The body is not squeezed, but relies upon pressurization from the bulb. It is also obviously too large to be inserted into the body cavity as taught by Applicant. Throop does not suggest such procedure.

By contrast, Applicant's first embodiment is considerably smaller, and is preloaded with a single charge of fluid material. It is completely sealed to that it may be carried in the handbag of a user prior to employment, and may be used by opening the end of the laterally-extending tube by merely tearing the end of the same, or

possibly cutting it with scissors. Once used, it may be discarded. Since it is sufficiently small so as to be disposed within the body cavity, it can be conveniently rotated when positioned, to distribute an even coat on the inner surfaces of the cavity, and thus can use a much smaller amount of material when contemplated by Throop, who provides no means for measuring an individual dose. His principal container is obviously relatively rigid so as to support the resealable cap used to refill the same, which assures that the device is sufficiently large that it cannot be inserted in the body cavity.

Reconsideration of Examiner's position relative to newly inserted claims 5 and 6 is accordingly requested.

Next, Examiner has rejected claims 3 and 4 under Section 102(b) as being anticipated by Benjamin, U.S. No. 3,146,920. Examiner explains that Benjamin discloses a device comprising a generally cylindrical hollow main body (11), said body having an open upper end (Figure 3), a manually operated pump communicating with said body (13), said pump including a manually reciprocating member having a laterally-oriented nozzle (Figures 1 to 3), at least one portion of said device being insertable into said cavity following which operation of said pump causes dispensing of said medicament over a laterally-directed path. Relative to claim 4, Examiner states that the device of Benjamin is fully capable of performing Applicant's method steps.

Relative to claim 3, although not disclaiming the same invention, the structure of Benjamin could be read upon claim 3, and accordingly, it has been withdrawn. Relative to claim 4, it is fairly obvious that Benjamin, like Throop, discloses a device which is far too large to be used in practicing Applicant's method, nor is such

method suggested by Benjamin. It is noted that Benjamin relates to a completely non-analogous art, which makes his proposal rather speculative. It is noted that Benjamin has no valving apparatus and contemplates use of a fluid liquid, rather than a vaginal gel. Since it has no valving mechanism, its use as contemplated by Examiner would result in sucking back the dispensed liquid as soon as the pump was released. Further, with a thumb on top of the pump, rather than operated by the forefinger as contemplated by Applicant, it would be impossible to rotate the Benjamin device in accordance with Claim 4. Reconsideration of Examiner's position relative to his rejections on Benjamin is accordingly requested.

In the light of the above amendment and remarks, further and favorable action is earnestly solicited.

Respectfully,

  
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